

Petition for Order Determining Title to Real Property in the Name of Herbert Levy is Property of Evelyn Heilbronn

DOD: 12-14-90		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	w
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JOEL S. LEVY, Son and Special Administrator appointed 2-14-1991, is Petitioner.

Petitioner states that in 1985, prior to his death, the decedent entered into an agreement to transfer his one-half interest in certain real property located on Vera Cruz in Modesto, CA, to his sister Evelyn Heilbronn.

Ms. Heilbronn recently listed the property for sale; however, the title report results show that the decedent still owns a one-half interest in the property.

Petitioner believes the decedent inadvertently failed to record a deed transferring his interest in the property to Ms. Heilbronn.

Petitioner requests an order from this Court pursuant to Probate Code §850(a)(2)(C) removing the decedent from the title to the property and confirming that Ms. Heilbronn holds a 100% interest in the property.

See Declaration of Evelyn Heilbronn in Support of Petition as well as supporting documentation provided.

NEEDS/PROBLEMS/COMMENTS:

Update: Attorney Allison Bellumori filed a response to the above notes. See Page 2.

- A petition under Probate Code §850(a)(2)(C) may be brought by the personal representative or by any interested person.

Petitioner was appointed as Special Administrator for a specific purpose only in 1991 – to compromise a claim in an action entitled Levy v. Levi Strauss in San Francisco Superior Court Case 862101.

Petitioner has not been appointed as the personal representative of this decedent's estate, and it is unclear how he is an interested person for purposes of this petition.

The Court may require the petition to be brought by Evelyn Heilbronn.
- The filing of this petition has brought to the Court's attention that the special administration granted in 1991 for one specific purpose was never terminated, and has never been accounted for pursuant to Probate Code §8546.

What was the outcome of the action entitled Levy v. Levi Strauss? The Court may require an accounting / report of status to be filed and set for noticed hearing.
- If this petition is granted, need order.

Reviewed by: skc
Reviewed on: 9-25-14
Updates: 9-30-14
Recommendation:
File 1 - Levy

Page 2

Declaration of Allison K. Bellumori filed 9-29-14 in Response to Calendar Notes states:

1. Probate Code §85(a) defines a personal representative as a special administrator.
2. The issue (Levy v. Levi Strauss) was resolved and settled. If the Court will require an account and report on the special administration, Petitioner can provide the court with the requested report at a later noticed hearing.

Due to the time constraints presented by the current escrow of the property subject of the petition and the chance that any further delay would cause Ms. Heilbronn to lose the buyer on the property, it is requested that the matter be decided at this hearing and not continued to a later date to be heard with the report and account of the Special Administrator.

Atty Helon, Marvin T., of Helon & Manfredo (for Petitioner Ada Neill Dennie)

Amended Petition for Surcharge of Former Trustee, for Double Damages, for Damages for Financial Abuse of Dependent Adult, and for Instructions

2

Petitioner states, continued:

- Although the former Trustee **ARTHUR MCCLAY WATKINS** had not submitted an accounting, after obtaining and reviewing available records on the Settlor's resources and trust assets, Petitioner is informed and believes that at the time he became trustee, the Trust had assets including:
 - Residence on W. Twain in Fresno;
 - Toyota Camry with a value of ~\$15,000.00; and
 - Cash and other liquid assets of \$802,000.00;
- Petitioner is informed and believes that the former Trustee took possession of the Toyota Camry and used it as his own; after the former Trustee's death, Petitioner sold the vehicle for \$12,000.00; as a result of the former Trustee's use of the vehicle and the decline in value during such use, the Trust suffered a loss of at least \$3,000.00;
- Following the surviving Settlor's death, from the Trust's liquid assets the former Trustee distributed \$150,000.00 each to himself, Petitioner, and to **DOLLIE CLARK WATKINS**;
- The former Trustee disbursed from the Trust only ~\$73,100.00 for **FRANKLIN BOONE WATKINS'** benefit or care out of the \$150,000.00 that was to be set aside for him when the other beneficiaries received their \$150,000.00 distribution, leave the share of **FRANKLIN BOONE WATKINS** and his special needs trust having received ~\$76,900.00 less than the other Trust beneficiaries;
- Petitioner reviewed records of the Trust's account and transactions by former Trustee and believes former Trustee **ARTHUR MCCLAY WATKINS** withdrew the sum of \$250,693.00, of which \$76,900.00 should have gone to **FRANKLIN BOONE WATKINS**, and the remaining \$173,793.00 should have been divided equally between the 4 remainder Trust beneficiaries;
- By reason of the misappropriations, losses and breaches of trust, the Trust beneficiaries have lost or suffered damage in the following amounts:
 - **SPECIAL NEEDS TRUST FOR FRANKLIN BOONE WATKINS: \$121,098.25;**
 - **ADA NEILL DENNIE: \$44,198.25;**
 - **DOLLIE CLARK WATKINS: \$44,198.25.**
- **ARTHUR MCCLAY WATKINS** should be surcharged for the foregoing sums with interest and the amount of any and all additional damage or loss shown by reason of his encumbering, pledging or transferring the Trust's real property for his bail and/or personal debts;
- **ARTHUR MCCLAY WATKINS** in bad faith wrongfully took, concealed and/or disposed of property belonging to a trust and a dependent adult; **ARTHUR MCCLAY WATKINS** is liable for twice the value of the property taken and attorney fees in accordance with Probate Code § 859;
- **ARTHUR MCCLAY WATKINS'** surviving spouse, **GEORGINA WATKINS**, and his children, **DANIELLE WATKINS** and **BEN WATKINS**, are his successors and have succeeded to his estate, including any property due from the Trust, and they received property or benefitted from property misappropriated from the Trust; his successors are and should be found responsible for the losses suffered by the Trust to the extent of property received from **ARTHUR MCCLAY WATKINS**;
- Judgment should be entered against any personal representative appointed for the estate of **ARTHUR MCCLAY WATKINS** and/or his successors for amounts received;
- Beneficiary **FRANKLIN BOONE WATKINS** is a dependent adult as defined by W&I Code §15610.23; The trustee was aware of this, and misused and abused his position of trust and took and/or misappropriated property of Franklin Boone Watkins for his own personal benefit with an intent to defraud and deprive Franklin Boone Watkins of property left for his benefit and needs by the settlors, and the actions described were the result of recklessness, oppression, fraud, and/or malice. As a result, Arthur McClay Watkins is liable for damages under W&I Code §15657.5 as a result of such abuse, including attorneys fees, costs and punitive damages;

~Please see additional page~

Second Additional Page 2, John & Ada Watkins Revocable Trust Case No.14CEPR00024

Petitioner prays for an order of the Court:

1. Surcharging **ARTHUR MCCLAY WATKINS**, with interest, for all losses and damage suffered by the Trust including those set forth in this petition and any and all other improper expenditures and/or losses shown or found;
2. Determining that **ARTHUR MCCLAY WATKINS**' estate and successors are responsible for the losses and damages suffered to the extent of the property received from **ARTHUR MCCLAY WATKINS** and benefit obtained from Trust assets;
3. Instructing Petitioner that **ARTHUR MCCLAY WATKINS** and his successors have no further interest in and are not entitled to any further distributions from the Trust, and that the remaining Trust estate should be distributed only to the other beneficiaries of the Trust;
4. Determining that **ARTHUR MCCLAY WATKINS** and his estate are liable for damages for financial abuse of a dependent adult, including punitive damages and attorney fees according to proof; and
5. Awarding Petitioner attorneys' fees and costs as allowed by law.

(1) First and Final Account and Report of Executor and Petition for Its Settlement, (2) for Allowance of Statutory Fees and Reimbursement of Costs, and (3) for Final Distribution

3

DOD: 2-7-14	ANTHONY ALCAZAR was appointed as Administrator with Full IAEA with bond of \$150,000.00 on 4-8-14.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 8-29-14</u> <u>Note: Inventory and Appraisal Partial No. 1 was filed on 9-3-14.</u> 1. Need Final Inventory and Appraisal or verified written status report per local rule 7.5.
Cont. from 082914	Bond was filed and Letters issued on 5-1-14.	
Aff.Sub.Wit.	<p>At the hearing on 4-8-14, the Court set this status hearing for the filing of the Inventory and Appraisal pursuant to Probate Code §8800.</p> <p>Status Report filed 8-18-14 states Petitioner has performed investigation regarding the assets of the estate and has submitted a partial inventory and appraisal to the Probate Referee. Petitioner has recently been made aware that the estate may be a beneficiary of the proceeds from a life insurance policy, but does not yet have sufficient information to determine whether such proceeds are an asset of the estate. Petitioner will file a second partial I&A once that information is obtained.</p>	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 9-25-14
		Updates:
		Recommendation:
		File 4 - Anderson

Donald C. Manley (Estate)

Perkins, Jan T. (for Ronald D. Manley – Brother)

Aguirre, L. Kim (for Leslie Smith Guardian Ad Litem for Noah Manley – Petitioner)

**Contest of Will, Objection to Probate, Objection to Appointment of Ronald Manley
as Executor of Estate of Donald C. Manley**

		NOAH MANLEY , by and through Guardian Ad Litem, LESLIE SMITH , is petitioner.	NEEDS/PROBLEMS/COMMENTS: 5B is the Second Amended Petition for Probate of Will and Letters of Administration with Will Annexed filed by Ronald D. Manley. This petition may or may not be applicable to the second amended petition. Minute Order of 06/04/2014: Efforts continue to be made to resolve this matter. Minute Order of 05/07/2014: Mr. Aguirre is also appearing specially for Attorney Jan Perkins. The Court is advised that efforts are being made to resolve this matter.
		Petitioner states: contestant Noah Manley is the son of the decedent. The contestant objects to the probate of the purported will on the ground that the signature on the document purporting to be the last will of the decedent is not in the handwriting of the decedent; the purported will was thus not duly executed by the decedent as required by law.	
Cont. from 050714, 060414, 070214		Contestant objects to the appointment of Ronald D. Manley as Executor of the Estate of Donald C. Manley, the following grounds:	
Aff.Sub.Wit.		a. Ronald D. Manley neglected, failed and or refused to deposit the purported last will of Donald C. Manley with this court in a timely manner.	
Verified	x		
Inventory		b. Ronald D. Manley represented to Contestant and other heirs of Donald C. Manley that the will was of Donald C. Manley was a holographic will and, over four years after the death of Donald C. Manley, submitted a purported typewritten will to this court for probate.	
PTC			
Not.Cred.		c. Contestant is informed and believes and based on such information and belief alleges that Ronald D. Manley has breached his fiduciary duty in that	
Notice of Hrg			
Aff.Mail		i. Ronald D. Manley was employed as an administrator for the Don Manley 401(k) Profit Sharing Plan account with Gary Brown Construction.	
Aff.Pub.			
Sp.Ntc.		ii. Pursuant to the Beneficiary Designation of that Plan, upon the Death of Donald C. Manley, 50% of that 401(k) Plan was to be paid to "the trustee of the trust for Noah Manley under my last will".	
Pers.Serv.			
Conf. Screen		iii. At the time of the decedent's death, the sum of \$230,757.91 was in the 401(k) Plan.	
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Please see additional page

- iv. Despite demands therefor, Ronald C. Manley has not provided Contestant with any accountings of the funds he received from this 401(k).
- v. Some or all of Contestant's funds from the Plan were paid directly to Ronald C. Manley at Ronald C. Manley's direction.
- vi. Ronald C. Manley has converted some or all of these funds for his personal use and benefit.

Wherefore, the contestant requests

- 1. That the purported will be denied probate
- 2. That the Public Guardian be named Administrator of the Estate of Donald D. Manley;
- 3. For costs of suit; and
- 4. For such other relief as this court deems proper.

Needs/Problems/Comments

- 1. Opposition of will was not verified.
- 2. Need summons to be issued and served, with a copy of the objection. The Summons shall contain a direction that the persons summoned filed with the court a written pleading in response to the contest within 30 days of the summons.
- 3. Need proof of service of summons.
- 4. Need Order.

Atty Perkins, Jan T. (for Ronald D. Manley – Petitioner – Brother)
 Atty Smith, Leslie (Pro Per – Guardian Ad Litem for Noah Manley – Petitioner)

**Second Amended Petition for Probate of Will and for Letters of Administration with
 Will Annexed; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 01/11/2009		RONALD D. MANLEY , petitioner, requests that CRYSTAL MANLEY MOBLEY , decedent's daughter, be appointed as Administrator with Will Annexed without bond. Named Executors Decline to Act Full IAEA- o.k. Will dated: 09/14/2008 Residence: Clovis Publication: The Business Journal	NEEDS/PROBLEMS/COMMENTS: 5A is the Contest of Will, Objection to Probate, Objection to Appointment of Ronald Manley as Executor of Estate of Donald C. Manley filed by Leslie Smith Guardian Ad Litem for Noah Manley that may or may not be applicable to this petition as it was filed in connection with the initial petition. No new Will contest has been filed. 1. Petition lists the estimated value of the estate at \$0. Decedent's will lists specific assets such as a 401K and a boat. Need clarification. 2. Need Consent from Crystal Manley Mobley to the appointment of Administrator with Will annexed. 3. Need Duties & Liabilities of Personal Representative, Mandatory Judicial Council Form DE-147, signed by Crystal Manley Mobley. 4. Need Confidential Supplement to Duties & Liabilities of Personal Representative, Mandatory Judicial Council Form DE-147S, signed by Crystal Manley Mobley. Note: If the petition is granted status hearings will be set as follows: • Wednesday, 02/04/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Wednesday, 12/02/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input checked="" type="checkbox"/>	Aff.Pub.		
Estimated value of the Estate:		Probate Referee: Rick Smith	
Total - \$0			
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp x		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: LV			
Reviewed on: 09/26/2014			
Updates: 09/29/2014			
Recommendation:			
File 5C - Manley			

DOD: 01/10/11		BLANCHE BARBOZA , daughter, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	
Cont. from		No other proceedings	
	Aff.Sub.Wit.		
✓	Verified	I & A – \$132,500.00	
✓	Inventory		
	PTC	Will dated 01/04/11 devises entire estate to Petitioner, Blanche Barboza	
	Not.Cred.		
✓	Notice of Hrg	Petitioner requests court determination that decedent's 50% interest in real property identified as APN: 013-193-11 and APN: 019-220-31S pass to her pursuant to decedent's will.	
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF
			Reviewed on: 09/25/14
			Updates:
			Recommendation: SUBMITTED
			File 6 - Barboza

Atty Powell, Hanno T., of Powell and Pool (for Petitioner Kimberly K. Hall)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

[illegible]

Atty Helon, Marvin T., of Helon and Manfredo (for Petitioner Christopher Coolidge)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 3/30/2014		CHRISTOPHER COOLIDGE , son and named Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Full IAEA – O.K.	Note: Court will set Status Hearings as follows: <ul style="list-style-type: none"> • Monday, March 2, 2014 at 9:00 a.m. in Dept. 303 for filing of the final inventory and appraisal; and • Tuesday, December 1, 2015 at 9:00 a.m. in Dept. 303 for filing of the first account and/or petition for final distribution.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	S/P	<p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
✓	Verified	Will Dated: 12/23/2013	
	Inventory	Residence: Fowler (outside city limits)	
	PTC		
	Not.Cred.	Publication: Business Journal	
✓	Notice of Hrg		
✓	Aff.Mail	W/	
✓	Aff.Pub.		
Estimated value of the Estate:			
	Sp.Ntc.	Personal property - \$ 53,000.00	
	Pers.Serv.	Real property - \$400,000.00	
	Conf. Screen	Annual income RP - \$ 18,000.00	
	Aff. Posting	Total - \$471,000.00	
✓	Duties/Supp	Probate Referee: Steven Diebert	
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
✓	Letters		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 9/26/14
			Updates:
			Recommendation: SUBMITTED
			File 8 - Coolidge

**Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.
1820, 1821, 2680-2682)**

Age: 60	LILIAN BOWES , mother is petitioner and requests appointment as Conservator of the person, with medical consent and for appointment as conservator of estate without bond.		NEEDS/PROBLEMS/COMMENTS: 1. Need Capacity Declaration. 2. Need Video Receipt pursuant to Local Rule 7.15.8(A). 3. Petition requests that bond be waived. Probate Code §2320 states except as otherwise provided by statute, every person appointed as conservator shall, before letters are issued, give a bond approved by the court. Probate Code §2321 states Notwithstanding any other provision of the law, the court in a conservatorship proceeding may not waive the filing of a bond or reduce the amount of bond required without a good cause determination by the court that the conservatee will not suffer harm as a result of the waiver or reduction of the bond. If the court requires bond it should be set at \$74,903.13.
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
Inventory			
PTC			
Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
Aff.Pub.			
Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.	w/		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
Objections			
Video Receipt	x		
<input checked="" type="checkbox"/> CI Report			
9202			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
UCCJEA			
<input checked="" type="checkbox"/> Citation			
FTB Notice			

Estimated value of the Estate:
 Personal property - \$33,694.87
 Annual income - \$68,093.75

Capacity Declaration – Need

Petitioner states: the proposed conservatee is a patient in the U.S. Veteran's Hospital in Fresno, California. He is being administered 75mg of Thorazine twice daily and 1mg of Klonopin three times daily. He is diagnosed with schizophrenia. His medical condition is a result of injuries suffered while serving in the armed forces of the United States of America. Because of the heavy doses of medication he is unable to tend to his daily needs, such as dressing, handling his financial affairs, to live outside the facility, to communicate with his family, to live a normal life. Due to the medical condition of the proposed conservatee and the heavy doses of medication administered to him on a daily basis, he is unable to handle his financial affairs, and is unable to resist fraud or undue influence.

Nomination of Proposed Conservator by proposed Conservatee filed 09/29/2014.

Court Investigator Julie Negrete's report filed 09/19/2014
Please see additional page

Reviewed by: LV

Reviewed on: 09/29/2014

Updates:

Recommendation:

File 9 - Howard

Needs/Problems/Comments continued:

4. Need proof of service at least fifteen (15) days prior to the hearing of Notice of Hearing with a copy of the Petition for Appointment of Conservator for:
 - Veteran's Affairs

Note: If the petition is granted status hearings will be set as follows:

- **Wednesday, 11/05/2014 at 9:00a.m. in Dept. 303** for the filing of the Bond **and**
- Wednesday, 02/04/2015 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Wednesday, 12/02/2015 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

10 **Adrianna Rivas (GUARD/P)**
Atty **Rivas, Natalie (pro per Mother)**
Atty **Crane, Sandra Romero (pro per Guardian/maternal grandmother)**

Case No. 0636212

Status Hearing Re: Establishing of Guardianship in Nevada

Age: 16	SANDRA ROMERO CRANE , maternal grandmother, was appointed guardian on 11/16/1999.	NEEDS/PROBLEMS/COMMENTS:
	On 9/16/14 the Court granted SANDRA ROMERO CRANE'S Petition to Fix Residence Outside the State of California.	1. Need status of establishment of guardianship in Nevada.
Cont. from	Minute order dated 6/25/14 (on Mom's Petition to Terminate the Guardianship) indicated Sandra Crane Romero informed the Court that she was living in Nevada. The Court directed Ms. Crane to seek a guardianship in Nevada. This status hearing was set regarding the establishment of a guardianship in Nevada.	
Aff.Sub.Wit.		
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PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 9/26/14
		Updates:
		Recommendation:
		File 10 - Rivas

11A Celine Yang (GUARD/P)
 Chang, Joan (pro per – co-guardian/Petitioner)
 Atty Chang, Tou (pro per – co-guardian)
 Atty Her, Za Zoua (pro per – co-guardian)
Petition for Termination

Case No. 13CEPR00295 Atty

Age: 9		JOAN CHANG , maternal aunt/co-guardian, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> This matter appears to have been continued in error, petition was granted on 07/28/14 1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Alexander Yang (father) b. Za Zoua Her (maternal grandmother/co-guardian) 2. Proof of Service filed 07/23/14 indicates that notice was mailed to the paternal grandparents on 07/21/14, which is less than the required 15 days before the hearing. Proof of service regarding notice to Tou Chang states that she was personally served on 07/23/14, again less than the required 15 days' notice. Note: There is a proof of service attached to the Notice of Hearing indicating personal service to Nou Yang in Vadnais Heights, MN on 07/18/14. It is unclear who Nou Yang is and it also appears that Nou Yang is the person who signed the proof of service as the person who served the notice. It is unclear whether Nou Yang was the person served or whether another person was served and the wrong name was listed in the proof of service. Need clarification. Reviewed by: JF Reviewed on: 09/25/14 Updates: Recommendation: File 11A - Yang
		JOAN CHANG, TOU CHANG , maternal aunts, and ZA ZOUA HER , maternal grandmother, were appointed as co-guardians on 06/12/13. – <i>Tou Chang personally served on 07/23/14</i>	
Cont. from 072814			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Father: ALEXANDER YANG Mother: PAI YANG CHANG – deceased	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Paternal grandfather: YONG YIA YANG – Served by mail on 07/21/14 Paternal grandmother: CHONG CHANG – Served by mail on 07/21/14	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/ Maternal grandfather: NOU CHANG – deceased	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	w/ Petitioner states that the minor has been solely in her care since January 2014 even though she is a co-guardian along with Tou Chang and Za Zoua Her. Petitioner requests that Tou Chang be removed as a co-guardian because she cannot provide a safe and stable home environment for Celine.	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report	Court Investigator Jennifer Young filed a report on 07/22/14.	
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

11B Celine Yang (GUARD/P)

Case No. 13CEPR00295

Atty Chang, Tou
Atty Chang, Joan
Atty Her, Kazoua

Petition for Termination

Age:		NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 11/17/14</u> Per Petitioner's request	
DOD:			
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: JF			
Reviewed on: 09/25/14			
Updates:			
Recommendation:			
File 11B - Yang			

11B

Pro Per Okamura, Suzanne (Pro Per Petitioner, Administrator)

Petition for Final Distribution on Waiver of Accounting

DOD: 6/23/2013		SUZANNE OKAMURA , sister and Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	<p>Continued from 9/11/2014. Minute Order states the verification was filed this morning. Beneficiary of insurance policy was not Daniel Okamura but was Ito Okamura and paid in the Estate of Ito. Suzanne Okamura is sworn and testifies that the Franchise Tax Board has received notice. Petition continued to 10/1/2014; if no objections, then will be approved.</p> <p>Please see additional page for the issues remaining to be addressed.</p>
Cont. from		I & A — \$383,670.01	
<input type="checkbox"/>	Aff.Sub.Wit.	POH — \$383,670.01 (\$1,465.84 is cash)	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Administrator — waives	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Closing — \$435.00	
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Distribution pursuant to Decedent's Will is to:	
<input type="checkbox"/>	Pers.Serv.	[Beneficiary or Beneficiaries Unclear] – \$1,465.84 cash, life insurance proceeds, and pension funds.	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 9/25/14
			Updates:
			Recommendation:
			File 12 - Okamura

NEEDS/PROBLEMS/COMMENTS, continued:

1. The Last Will and Testament of **ITO OKAMURA** makes the following quoted devise: "I devise, bequeath and give my **PROPERTY, ESTATE, BANK ACCOUNTS, BENEFICIARY ENTITLEMENTS, AND INSURANCE SETTLEMENTS** to **SUZANNE OKAMURA**." The label "Beneficiary Entitlements" is ineffective to devise any property, as designation of a beneficiary is only changed by requesting the change through the holder of the property to be distributed to the designated beneficiary, such as a pension fund company. Similarly, the label "Insurance Settlements" is also ineffective to devise any property, as the insurance proceeds pass to the designated beneficiary, and the beneficiary is only changed by request to the insurance company. Petitioner does not make clear whether there exist alternate designated beneficiaries for the following estate assets that have been inventoried:

- "Life Insurance – Protective insurance, beneficiary to Daniel Okamura;"
- "403(b) – Valic, beneficiary to Daniel Okamura."

Daniel Okamura pre-deceased the Decedent, thus his designations as beneficiary of the assets are no longer effective. If alternative beneficiary designations exist for the above assets, the assets would pass to the designated beneficiaries; if no alternative designations exist, it appears the Petitioner **SUZANNE OKAMURA, JERROD WILLIAM WHITE** and **EILEEN REIKO NITASAKA** may all be beneficiaries of this estate based upon the Decedent's Will.

2. Need proposed order pursuant to Local Rule 7.6.1, containing a statement as to assets in the estate, specifically noting the amount of cash included in the balance, and the amounts to be distributed.

Petition for Visitation

Age: 5 years		SHARON ROBLES , Guardian, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Notice of Hearing is incorrect. It lists the name and address of the person serving the documents at #1 when it should list the name of the Petitioner and what document has been filed. 2. Need proof of service of the Notice of Hearing on the father, Michael Robles, Sr.
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	W/	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
SHARON ROBLES and JOE ROBLES maternal grandparents, were appointed guardian on 10/10/13. Father: MICHAEL ROBLES, SR. Mother: CHRISTINA WILLIAMS Minute order from 10/10/13 made the following visitation schedule for each parent: Visits shall be a minimum of three times per week for a minimum of two hours each visit. Visits are to take place at the guardian's home, or elsewhere in their presence. If deemed appropriate the guardian may select a third party to supervise the visits. Mom and Dad ordered not to visit at the same time. Minute order dated 2/13/14 stated the parties agreed to participate in mediation regarding visitation. Petitioner states on 8/17/14 the minor called her crying while she was at church and said he wanted to come home. Then the mother got on the phone asking if petitioner had called the minor or had the minor called the petitioner. Petitioner explained that the minor called her and wanted to come home so she was going to go and pick him up. When petitioner arrived the mother and the minor were not there. Mom then called and said she was at the petitioner's house. Mom said she would go back to her house. Petitioner states she waited for over an hour before leaving. Petitioner states the minor was not returned until 4 p.m. Just before bed the minor said he was hungry and asked for his medicine. When petitioner asked what medicine? The minor said the blue pill so he wouldn't eat a lot. Based on the above petitioner requests visits stop until further notice.			Reviewed by: KT Reviewed on: 9/26/14 Updates: Recommendation: File 13 - Robles

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		TEMP EXPIRES 10-1-14	NEEDS/PROBLEMS/COMMENTS:
		VICKY XIONG , Sister, is Petitioner.	<p><u>Note:</u> Because an investigation has not been completed, this petition cannot go forward at this time.</p> <p><u>If this matter goes forward, the following issues exist:</u></p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice on: <ul style="list-style-type: none"> - Anna Faith Xiong (Minor) 3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - Paternal Grandfather - Paternal Grandmother - Maternal Grandfather - Maternal Grandmother - Siblings age 12 or older
		Father: NYIA PAO XIONG - Deceased	
		Mother: YANG MEE XIONG - Deceased	
		Paternal Grandparents: Not listed Maternal Grandparents: Not listed	
		Siblings: James B. Xiong, Eddie Xiong, Mai Yang Xiong, Mey S. Xiong, Lucy Xiong	
		Petitioner states both parents are deceased. Anna is currently under the case of a cousin and brother-in-law, but they can no longer look after her and Petitioner is now able to have her under her care.	
		Court Investigator Samantha Henson filed a report on 9-17-14.	
<input type="checkbox"/>	Aff.Sub.Wit.		
✓	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x	
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	x	
<input type="checkbox"/>	Clearances	x	
✓	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
✓	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 9-26-14
			Updates:
			Recommendation:
			File 14 - Xiong

**15 Lilia Rene Capuchin, McKenzie Belle Wyatt,
and Micah Aiden Wyatt (GUARD/P)**

Case No. 14CEPR00672

Atty Santiesteban, Lilia (Pro Per – Maternal Grandmother – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		TEMP EXPIRES 10-1-14	NEEDS/PROBLEMS/COMMENTS:
		LILIA SANTIESTEBAN , Maternal Grandmother, is Petitioner.	<u>Note:</u> Because an investigation has not been completed, this petition cannot go forward at this time.
		Father (Lilia):	<u>If this matter goes forward, the following issues exist:</u>
<input type="checkbox"/>	Aff.Sub.Wit.	CARLOS CHRISTOPHER CAPUCHIN	
<input checked="" type="checkbox"/>	Verified	Father: (Micah and McKenzie):	
<input type="checkbox"/>	Inventory	MICHAEL JASON WYATT	
<input type="checkbox"/>	PTC	Paternal Grandfather (Lilia):	4. Need Notice of Hearing.
<input type="checkbox"/>	Not.Cred.	Freddy Capuchin	
<input type="checkbox"/>	Notice of Hrg	Paternal Grandmother (Lilia):	5. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice on:
<input type="checkbox"/>	Aff.Mail	Lizbette De Jesus Valenzuela	- Carlos Christopher Capuchin (Lilia's Father)
<input type="checkbox"/>	Aff.Pub.	Paternal Grandfather (Micah and McKenzie): Ernie Wyatt	- Michael Jason Wyatt (Micah and McKenzie's father)
<input type="checkbox"/>	Sp.Ntc.	Paternal Grandmother (Micah and McKenzie): Sharon Wyatt	
<input type="checkbox"/>	Pers.Serv.		6. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:
<input type="checkbox"/>	Conf. Screen	Maternal Grandfather:	- Freddy Capuchin
<input checked="" type="checkbox"/>	Letters	Enrique Valenzuela	- Lizbette De Jesus Valenzuela
<input type="checkbox"/>	Duties/Supp	Petitioner states the parents are not able to care for the children properly. The mother is abusing drugs. Lilia's father is incarcerated.	- Ernie Wyatt
<input type="checkbox"/>	Objections		- Sharon Wyatt
<input type="checkbox"/>	Video Receipt		- Enrique Valenzuela
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	Clearances	Court Investigator Jennifer Daniel filed a report on 9-18-14.	
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		Reviewed by: skc
<input type="checkbox"/>	Status Rpt		Reviewed on: 9-26-14
<input checked="" type="checkbox"/>	UCCJEA		Updates:
<input type="checkbox"/>	Citation		Recommendation:
<input type="checkbox"/>	FTB Notice		File 15 - Wyatt

			GENERAL HEARING 11-18-14	NEEDS/PROBLEMS/COMMENTS:
			MARIA ELOISA RODRIGUEZ, Paternal Aunt, is Petitioner.	<u>Note:</u> This petition is for minors Valerie, Daniel, and Ebony only. Maternal Uncle Nicholas Carrillo, Jr., was appointed Guardian of the minor Gabriel Carrillo on 11-6-13.
			Father: ANGEL PEREZ - Consents and waives notice - Personally served 9-17-14	<u>Note:</u> Petitioner resides in Tulare, CA.
	Aff.Sub.Wit.			<u>Note:</u> Petitioner's request to waive Court fees was denied on 9-18-14. Therefore, filing fees of \$285.00 are due unless a new request is filed that provides clarification pursuant to the Court's order of 9-18-14.
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg		Paternal Grandfather: Unknown Paternal Grandmother: Sara Loy - Consents and waives notice	
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.		Maternal Grandfather: Unknown Maternal Grandmother: Nora Alfaro - Personally served 9-17-14	
✓	Pers.Serv.	W		
✓	Conf. Screen			
✓	Letters		Sibling: Gabriel Carrillo	
✓	Duties/Supp		Minor Valerie Perez was personally served 9-17-14	
	Objections			
	Video Receipt			
	CI Report		Petitioner states the parents are not stable. Valerie and Daniel stay with their grandmother Nora. The mother leaves for days at a time with Ebony. The father is aware that the mother is living at another address with just her and Ebony. The mother may have a substance abuse problem. The children are left alone at times without supervision. The father is unable to care for the children at this time due to his living arrangement. The father has asked Petitioner to act as guardian while the parents get situated.	
	9202			Reviewed by: skc
✓	Order			Reviewed on: 9-26-14
	Aff. Posting			Updates:
	Status Rpt			Recommendation:
✓	UCCJEA			File 16 - Perez
	Citation			
	FTB Notice			